

1           A     I doubt if I used the word "alert," but we knew  
2     that one was coming, one was expected.

3           Q     And this was for how long before the inspector  
4     actually showed up?

5           MR. NAFTALIN:  Objection.  Asked and answered.

6           JUDGE STEINBERG:  I will let him answer it because  
7     he used one phrase and I can't really remember what it was,  
8     and Mr. Helmick used another.  And I think --

9           MR. NAFTALIN:  All right.

10          JUDGE STEINBERG:  Plus this is cross-examination.  
11     His statements can be tested.

12          MR. NAFTALIN:  Thank you, Your Honor.

13          THE WITNESS:  Would you repeat that last question?

14          BY MR. HELMICK:

15          Q     Yes, not to put words in your mouth, you said that  
16     you knew some time period, some time before the FCC  
17     inspector showed up?

18          A     The best way, sir, I could describe it is, to use  
19     an old navy term, "Scuttlebutt."  It's just something you  
20     hear that's going on, that's going to happen.

21          Q     And when did this scuttlebutt begin before -- can  
22     you put a time frame on it?

23          A     If you will accept a ballpark guess, I think we  
24     knew for about three or four weeks.

25          Q     And where did this information come from?  Was it

1 from Mr. Turro or someone else?

2 A Can I fall back on my word "scuttlebutt"?

3 Q Sure.

4 A Because I don't think I could specifically say  
5 that I heard him say it was happening; it was just generally  
6 know, and I think there had been some false alarms in terms  
7 of we thought it was going to happen this week, and it  
8 didn't and so on. And finally one day it happened, and it  
9 was over and one as I mentioned

10 MR. HELMICK: Can we go off the record for a  
11 minuet, Your Honor?

12 JUDGE STEINBERG: Sure.

13 (Pause off the record)

14 JUDGE STEINBERG: Back on the record.

15 BY MR. HELMICK:

16 Q Mr. Owen, you have stated you basically know --  
17 your expertise is in programming, correct?

18 A That's correct.

19 Q And you have stated you have no technical  
20 knowledge, and I think you put it your expertise is not on  
21 the technical side?

22 A I consider myself an entertainer.

23 Q All right. Can I direct you to page 3 of your  
24 statement? And specifically, the last sentence in the first  
25 full paragraph on page 3, beginning with, "My understanding

1 is..."

2 Would you just read that for a minute?

3 A Aloud you're talking about?

4 Q No, just read it to yourself.

5 A Yes, I have no problem with that.

6 Q What is the basis of your understanding?

7 A That's just something that you pick up when you're  
8 there. You ask questions. I didn't even know how to run a  
9 board when I first went there, that scared me. And that was  
10 an accomplishment by itself. And referring back to the  
11 sentence earlier than we're talking about, the delay and so  
12 on, I found that very worrisome

13 So I made some inquiries, why is this necessary,  
14 and I was told that there is a delay because there is some  
15 sort of a system of going from translator to this and that,  
16 but I never understood it.

17 Q Who told you that?

18 A There, again, it's something you just discuss.  
19 Maybe a disk jockey in the morning, you're making a comment  
20 over the shoulder -- nothing seems to happen in a radio  
21 station like that where you sit down and have meetings per  
22 se. One guy says something over his shoulder, and you catch  
23 this, then you say something, you pass it along. That's the  
24 way you communicate at that particular radio station.

25 So I can't really pinpoint as your question -- I'm

1 not trying to avoid your question.

2 Q I understand.

3 A I can't really pinpoint and say somebody told me  
4 this certain date, but that's the way it. It's just  
5 something that you absorb.

6 Q So your understand would be based not on your own  
7 personal knowledge, but on what other people have told you;  
8 is that correct?

9 A Yeah, that -- say that again.

10 Q Your understanding about this delay, you know, the  
11 cause of the delay, the cause of the delay, is not that --  
12 your understanding is not based upon any personal knowledge  
13 but rather on what other people have told you?

14 A Yeah, told me in a sense, again, not in a formal  
15 way. Nobody ever sat down and wrote it out and explained  
16 it. You just hear and that's -- I learned to accept it. I  
17 said, "How come I have to hear that..." "Well, because there  
18 is a delay and it's because of the arrangement and this and  
19 that." So I just had to accept it and work with it. But I  
20 can't say I ever understood it.

21 JUDGE STEINBERG: Could you explain to me, I  
22 didn't really understand. You are in the booth.

23 THE WITNESS: No, no, not in a booth.

24 JUDGE STEINBERG: In the on-air studio?

25 THE WITNESS: Right, it's an open room.

1 JUDGE STEINBERG: Oh, it's an open room?

2 THE WITNESS: Yeah

3 JUDGE STEINBERG: No walls or anything?

4 THE WITNESS: Well, it's a --

5 JUDGE STEINBERG: How do you prevent extraneous  
6 noise from entering the microphone?

7 THE WITNESS: It's a small room is what it is.  
8 Take this stage and cut it in half, and that's about the  
9 size of the room.

10 JUDGE STEINBERG: Okay. But it's got walls around  
11 it on all four sides?

12 THE WITNESS: Yeah, but not a -- to me, a booth  
13 has a different connotation.

14 JUDGE STEINBERG: Okay.

15 THE WITNESS: Very different connotation.

16 JUDGE STEINBERG: Okay. An on-air room. And in  
17 the room you're sitting in front of the board, and you have  
18 headphones on?

19 THE WITNESS: Um-hmm, usually.

20 JUDGE STEINBERG: Okay. The "um-hmm" was a yes.  
21 You have to answer yes or no.

22 THE WITNESS: Okay.

23 JUDGE STEINBERG: That was a yes.

24 THE WITNESS: Right. Okay.

25 JUDGE STEINBERG: And so you have earphones on,

1 and what are you hearing on the earphones?

2 THE WITNESS: Well, you can hear the program.

3 JUDGE STEINBERG: Is it the program -- do you --  
4 you're talking into a microphone?

5 THE WITNESS: Right

6 JUDGE STEINBERG: And are you hearing what you're  
7 saying on the microphone or are you -- let me leave it at  
8 that. Are you hearing what you're saying over the  
9 microphone?

10 THE WITNESS: You're hearing yourself and  
11 amplified. In other words, you would know -- say the minute  
12 you put on the headset, if your microphone is not on, it  
13 would be kind of a dead sound. You would hear your voice  
14 very faintly. The minute the microphone is on and things  
15 are going, you would hear this presence so you know that  
16 you're.

17 JUDGE STEINBERG: And then you would hear a  
18 quarter of a second to a half a second later, you would hear  
19 yourself again?

20 THE WITNESS: If I remember it, I haven't worked  
21 the board since I left there before, but it seems to me that  
22 I would take it off when I was working, because I didn't  
23 want to hear the delay. But if I was -- if I was bringing  
24 in shadow traffic or something like that, then I would hear  
25 this delay. That's what I found very bothersome.

1 JUDGE STEINBERG: Were there speakers in the room  
2 that were --

3 THE WITNESS: Sure.

4 JUDGE STEINBERG: -- tuned to 103.1? There were  
5 speakers in the room that were tuned to 103.1, so you would  
6 hear over the speakers what was going out over the air?

7 THE WITNESS: I assume --

8 JUDGE STEINBERG: I'm just trying to think, which  
9 did you hear first, the stuff out of the speaker or the  
10 stuff out of the --

11 THE WITNESS: I can't really answer that. Again,  
12 I heard our program, but whether I heard them first or  
13 whether I heard Monticello first or us first, I --

14 JUDGE STEINBERG: But you definitely heard -- if  
15 you were talking on the air, and let's say you had one of  
16 the headphones one. Did you ever just put one on, so that  
17 you could listen to shadow traffic and not have to put the  
18 whole thing on?

19 THE WITNESS: I think I would usually slip the  
20 whole thing on. There wouldn't be any reason to just put  
21 one on.

22 JUDGE STEINBERG: Okay. That bring up another  
23 question, is how could you hear two things going on almost  
24 simultaneously if your ears were covered with the  
25 headphones?

1 THE WITNESS: When I talk about delay, It's an  
2 echo effect, that's a better way to describe it. But a fill  
3 second or so, or close to a second echo.

4 In other words, you would hear shadow traffic, if  
5 could just emulate --

6 JUDGE STEINBERG: Sure.

7 THE WITNESS: -- what it might say. Shadow  
8 traffic, traffic, traffic; this type of thing.

9 JUDGE STEINBERG: And so one of the echoes is  
10 coming from the headphones and one of the echoes is coming  
11 from the in-studio speaker?

12 THE WITNESS: I can't answer that. I don't know.  
13 I just was aware of --

14 JUDGE STEINBERG: Could both of them be coming  
15 from the headphones?

16 THE WITNESS: I don't know. I can't answer that.

17 JUDGE STEINBERG: Do you know what feedback is?

18 THE WITNESS: I know what it sounds like, yes.

19 JUDGE STEINBERG: It sounds like a big screech.

20 THE WITNESS: Right, right.

21 JUDGE STEINBERG: And if you have an open mike in  
22 the studio, and you have the programming being heard over a  
23 speaker in the studio, and you have an open mike, and you're  
24 trying to say something while it's being broadcast or  
25 emitted from the speakers, wouldn't that that create



1 feedback?

2 THE WITNESS: I don't know what creates feedback,  
3 to tell you the truth.

4 JUDGE STEINBERG: Okay.

5 THE WITNESS: We all have it sooner or later, and  
6 most of the time when it happens most of the time we are so  
7 embarrassed we don't know what caused it. We usually just  
8 back off the mike.

9 JUDGE STEINBERG: Okay.

10 BY MR. HELMICK:

11 Q Mr. Owen, insofar as you -- well, you do not  
12 regard, whether you took place in this incident or whether  
13 you recall whether you took place in this incident or not.

14 JUDGE STEINBERG: You mean took part?

15 MR. HELMICK: Took part.

16 BY MR. HELMICK:

17 Q It's fair to say that you do not believe that you  
18 were a party to any attempt to deceive the FCC, correct?

19 A I never make any attempt to deceive the FCC.

20 JUDGE STEINBERG: If you knew that's what was  
21 being done?

22 THE WITNESS: Oh, absolutely.

23 JUDGE STEINBERG: But if you didn't know, and  
24 somebody just asked you to push a button, you pushed the  
25 button, I suppose.

1 THE WITNESS: Yes, if I didn't know there was any  
2 deceit involved. If somebody said, turn this light switch  
3 on or whatever it is, push a button, I suppose that's  
4 conceivable.

5 MR. HELMICK: I have no further questions, Your  
6 Honor.

7 JUDGE STEINBERG: Do you recall at any time during  
8 your work there you being next to a button and somebody  
9 counting down three, two, one, and when you hit one -- when  
10 they hit the number one, the person speaking, you would push  
11 a button in?

12 THE WITNESS: No, I don't remember anything like  
13 that.

14 JUDGE STEINBERG: Do you think you would have if  
15 that happened?

16 THE WITNESS: I would remember something like  
17 that, I would assume.

18 JUDGE STEINBERG: Would that be extremely unusual,  
19 an extremely unusual request of you from anybody at Jukebox  
20 Radio?

21 THE WITNESS: Highly unusual. Doing the show the  
22 way I did, I was -- I was very, very busy operating the  
23 board with the music, and if anybody would take me away from  
24 it, I think I would be very aware of.

25 JUDGE STEINBERG: Now, you have on page 2, you

1 said, "I have no memory of the incident."

2 Could it have happened but you just flat out don't  
3 remember it?

4 THE WITNESS: I know it didn't happen while I was  
5 there. Nothing like that, nothing even resembling that.

6 JUDGE STEINBERG: In which you were a participant?

7 THE WITNESS: Right.

8 JUDGE STEINBERG: Okay, Ms. Bavender, are you  
9 going to cross-examine or are you going to redirect? I  
10 don't really know.

11 MS. BAVENDER: Cross.

12 JUDGE STEINBERG: Okay, so I guess --

13 MS. BAVENDER: No, actually, I think I have no  
14 questions for Mr. Owen.

15 JUDGE STEINBERG: Okay, so it doesn't matter.

16 MS. BAVENDER: Right.

17 JUDGE STEINBERG: Okay, any redirect?

18 MR. NAFTALIN: Very briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. NAFTALIN:

21 Q Following on what the Judge just asked you, Mr.  
22 Owen, do you remember every being asked to go over and take  
23 control of the Monticello station transmitter with remote  
24 control equipment?

25 A No.

1 Q If someone had asked you to that, wouldn't that  
2 have been a very unusual thing for them to ask you?

3 A It would have.

4 Q And do you ever recall a time when Mr. Luna might  
5 have been standing at the console holding a telephone to his  
6 ear and sent you over to the Monticello transmitter remote  
7 controls and told you to do things?

8 A I do not remember anything like that.

9 Q And if such a thing had happened, it would have  
10 been a very unusual circumstance --

11 JUDGE STEINBERG: Don't lead.

12 MR. NAFTALIN: I'm sorry.

13 BY MR. NAFTALIN:

14 Q Would that have been a very unusual circumstance?

15 A Yes.

16 Q Okay. Do you believe that's the sort of thing you  
17 would remember if it had happened?

18 A Yes, I would.

19 JUDGE STEINBERG: Where was the remote control for  
20 the Monticello transmitter located, if you were sitting  
21 behind the board? If you can just describe to me where in  
22 relation to -- if you're sitting at the board facing  
23 straight ahead like you are now, where would the remote  
24 control for the Monticello transmitter be.

25 THE WITNESS: I wouldn't know. There was a box, a

1 metal case over there that had something to do with  
2 transmitters.

3 JUDGE STEINBERG: When you say "over there," --

4 THE WITNESS: I had no idea.

5 JUDGE STEINBERG: -- where is "over there"?

6 THE WITNESS: About say six or eight feet from  
7 where I was seated.

8 JUDGE STEINBERG: To the right, left, behind you?  
9 Do you remember?

10 THE WITNESS: I'm sitting here at the desk.

11 JUDGE STEINBERG: Right, you're sitting facing  
12 forward.

13 THE WITNESS: Right. Over in this corner there is  
14 a huge box.

15 JUDGE STEINBERG: So you're pointing to like the  
16 right corner of the room?

17 THE WITNESS: From this viewpoint, yes.

18 And I understand that had something to do with the  
19 transmitter. I never was curious enough to find out.

20 The only thing -- the only thing I ever knew  
21 anything about was I believe that was a way to turn off the  
22 EBS signals. We would do an EBS occasionally, and I believe  
23 that there was something on there that you could turn it  
24 off.

25 JUDGE STEINBERG: Was there anything located

1 directly behind you as you're looking out?

2 THE WITNESS: Pertaining to broadcast equipment?

3 JUDGE STEINBERG: Yes And remote --

4 THE WITNESS: There was -- I think that's where we  
5 would activate the EBS switch, back behind me.

6 JUDGE STEINBERG: Okay, do you remember -- let me  
7 show the witness a copy of -- oh, wrong book. Not  
8 surprisingly. Turro Exhibit 25, it's Figure 1.

9 THE WITNESS: Do I have it in here?

10 JUDGE STEINBERG: No.

11 MR. NAFTALIN: He has our set, I think.

12 JUDGE STEINBERG: It's Figure 1-1.

13 MR. NAFTALIN: Actually, he does have it.

14 JUDGE STEINBERG: Oh, well.

15 MR. NAFTALIN: It doesn't matter.

16 JUDGE STEINBERG: I'll show you.

17 Do you remember anything that looked like this --  
18 and I'm pointing to Figure 1-1 -- without the digital stuff  
19 in the middle, or even with the digital stuff in the middle?

20 See, it's got little number one through eight,  
21 one, two, three, four, five, six, seven eight? And these  
22 are little buttons that look like this, and I'm pointing to  
23 Figure 2-2, the channel up and down buttons.

24 THE WITNESS: I'm just trying to picture what the  
25 EBS unit behind me, but I -- I can't really recall.

1 JUDGE STEINBERG: Okay, so this --

2 THE WITNESS: It doesn't jump out at me.

3 JUDGE STEINBERG: Okay, this is not familiar,  
4 really familiar to you? It's not familiar at all to you?

5 THE WITNESS: Certainly not familiar. Whether it  
6 was there or not and I -- there is a lot of equipment in  
7 place that I don't pay any attention to.

8 JUDGE STEINBERG: Okay, this might have been one  
9 of those things that you didn't -- anyway. But Figure 1-1  
10 looking at it --

11 THE WITNESS: It doesn't mean anything.

12 JUDGE STEINBERG: -- doesn't bring any --

13 THE WITNESS: Right that's right.

14 JUDGE STEINBERG: Okay. Sorry.

15 BY MR. NAFTALIN:

16 Q Mr. Owen, while Ms. Friedman was asking you  
17 questions a little while ago, she asked you -- examined you  
18 about the reasons for which you left WVNJ, and was it your  
19 testimony that you took transmitter readings by using a  
20 dial-up telephone while at WVNJ?

21 A Yeah, computerized arrangement. You would dial --  
22 they told me I was dialing the transmitter, and you would  
23 get a computerized voice of the readings.

24 Q Okay. Was it your understanding that was the only  
25 way at WVNJ to get readings off its transmitter?

1 MR. HELMICK: Objection, Your Honor.

2 JUDGE STEINBERG: Okay

3 MR. HELMICK: Relevancy, among other things.

4 MR. NAFTALIN: Well, there has been testimony  
5 about -- testimony about the prevalence --

6 MR. HELMICK: There has been no answer on direct  
7 examination or cross-examination

8 MR. NAFTALIN: Well, this is redirect following  
9 cross.

10 JUDGE STEINBERG: Well, we had the direct  
11 examination about them wanting him to take transmitter  
12 readings, and he did it after a shift. Took him about  
13 three-four minutes, and he did it by phone. And then they  
14 wanted him to do it every hour, and he wouldn't do it, and  
15 they called him in -- I mean, that's a summary of it.

16 MR. NAFTALIN: Right.

17 JUDGE STEINBERG: Now, how is this related to  
18 that? I mean, the nitty-gritty of how to take transmitter  
19 readings?

20 MR. NAFTALIN: I was trying to relate this to  
21 different testimony, Your Honor. If you don't want to allow  
22 it --

23 JUDGE STEINBERG: Which testimony?

24 MR. NAFTALIN: Testimony concerning something Mr.  
25 Loginow said. If you don't want to allow it, it's perfectly



1 understandable.

2 JUDGE STEINBERG: Well, can't remember everything  
3 Mr. Loginow said.

4 Do you want to excuse the witness and you can tell  
5 me.

6 MR. NAFTALIN: If you would like, sure.

7 JUDGE STEINBERG: Yes, if you want to -- we will  
8 excuse you.

9 THE WITNESS: Sure.

10 JUDGE STEINBERG: If you would just go out in the  
11 hall and kind of hum something to yourself.

12 MR. NAFTALIN: This won't take long.

13 JUDGE STEINBERG: I don't think so, and then we  
14 will call you right back in.

15 (Witness temporarily excused from witness stand.)

16 JUDGE STEINBERG: Let the record reflect that the  
17 witness is no longer in the room.

18 MR. NAFTALIN: Your Honor, my recollection of Mr.  
19 Loginow's testimony was that dial-up remote control of  
20 transmitters was extremely unusual, and --

21 JUDGE STEINBERG: Well, we have the record that he  
22 did dial-up remote control.

23 MR. NAFTALIN: Okay.

24 JUDGE STEINBERG: I mean, you have asked him that  
25 and he said he did it via telephone.

1 MR. NAFTALIN: Right.

2 JUDGE STEINBERG: And you get this voice.

3 MR. NAFTALIN: Okay. And I'm not going to put up  
4 any kind of a fight about this.

5 JUDGE STEINBERG: And I will sustain the  
6 objection.

7 MR. NAFTALIN: Okay.

8 JUDGE STEINBERG: He might have said -- well, see,  
9 I don't know if it was in the context of it's unusual  
10 period, or if it's unusual for the translators.

11 MR. NAFTALIN: Okay. Again, I'm not putting up  
12 any fight.

13 JUDGE STEINBERG: Okay.

14 MR. NAFTALIN: That's why I thought --

15 JUDGE STEINBERG: So I guess we'll get the witness  
16 back.

17 MR. NAFTALIN: Yes, that's all I had, Your Honor.  
18 I'll ask him back.

19 (Witness returns to witness stand.)

20 JUDGE STEINBERG: Let the record reflect that the  
21 witness is back in the witness chair.

22 MR. NAFTALIN: Your Honor, we have no further  
23 questions. I just want to thank Mr. Owen very much for  
24 participating today.

25 JUDGE STEINBERG: And Ms. Bavender had no

1 questions.

2 Any recross, Ms. Friedman? Mr. Helmick?

3 MR. HELMICK: No, Your Honor.

4 JUDGE STEINBERG: Okay, Mr. Owen, you're excused.

5 MR. NAFTALIN: Thank you, sir.

6 JUDGE STEINBERG: Thank you so much for coming in  
7 and testifying.

8 THE WITNESS: Thank you.

9 JUDGE STEINBERG: Let me just instruct you not to  
10 discuss your testimony here today or --

11 THE WITNESS: Understand.

12 JUDGE STEINBERG: -- the questions that were asked  
13 by any of us with anyone else until one of the lawyers --  
14 you can talk about it with Mr. Naftalin.

15 THE WITNESS: Right.

16 JUDGE STEINBERG: And someone from his office will  
17 get ahold of you when it's okay to talk again. Just in case  
18 there's -- there might be a remote, remote, remote  
19 possibility you may have to answer some more questions, we  
20 want to get the best of your recollection, not what somebody  
21 might have told you. So I would ask you please not to talk  
22 to anybody.

23 THE WITNESS: I understand. I understand.

24 JUDGE STEINBERG: So you are excused.

25 THE WITNESS: Thank you, sir.

1 JUDGE STEINBERG: Thank you, sir.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 JUDGE STEINBERG: Let's go off the record.

5 (Whereupon, a recess was taken.)

6 JUDGE STEINBERG: Back on the record.

7 Mr. Owen is no longer in the room. There are no  
8 witnesses in the room now.

9 MR. HELMICK: I believe you were withholding  
10 whether or not we needed to call Mr. Lynch. His testimony,  
11 he did not begin working at Jukebox until July of 1995, and  
12 well after the Commission spotlight was put on Jukebox.  
13 And, you know, as Mr. Gaghan this morning as testified,  
14 there has been no dispute about this incident in the  
15 restaurant in 1996. So to that extent, Mr. Lynch's  
16 statement is really cumulative. And our position is that  
17 the rest of his statement occurred after the critical time  
18 period.

19 JUDGE STEINBERG: Okay, did I reserve ruling? I  
20 don't remember.

21 MR. NAFTALIN: Your Honor, my recollection is you  
22 had a discussion about admitting the portion of Mr. Lynch's  
23 statement directed to the restaurant incident with Mr.  
24 Gaghan.

25 JUDGE STEINBERG: That was --

1 MR. NAFTALIN: "You're going choke on that food.  
2 I want you to choke on that food" conversation.

3 JUDGE STEINBERG: Well, I don't know if this was  
4 on the record or not. It probably -- well, I don't know,  
5 but it was basically I was telling you that in order to have  
6 Mr. Lynch testify about that stuff, you would have to  
7 confront Mr. Gaghan with it first, and have him deny it.

8 MR. NAFTALIN: Right.

9 JUDGE STEINBERG: Because you can't impeach  
10 somebody's testimony on a non-related matter through  
11 extrinsic evidence, something like that.

12 Gee, I hope that was on the record, but if it  
13 wasn't --

14 MR. NAFTALIN: I don't remember.

15 JUDGE STEINBERG: I can't remember.

16 But I don't remember --

17 MR. HELMICK: Well, I think you said if we could  
18 possibly avoid having a witness here if we could, you know.

19 JUDGE STEINBERG: Well, if you don't have any  
20 cross-examination for him, then he can go home.

21 MR. ARONOWITZ: Well, excuse me. Would the cross-  
22 examination be limited to the Beehive Restaurant?

23 JUDGE STEINBERG: You can cross-examine him on the  
24 whole statement because the whole statement is in evidence.

25 MR. ARONOWITZ; Your Honor, in this regard, I

1 agree with Mr. Helmick, because I believe I was the one that  
2 raised the objections to the relevancy of this, and given  
3 that he -- we can cross-examine -- can cross-examine.

4 JUDGE STEINBERG: I'll tell you what, let's go off  
5 the record. I've got the transcript in my office, and I  
6 will bring it in.

7 MR. ARONOWITZ: Okay.

8 JUDGE STEINBERG: The admissions session, so that  
9 I can see what I said.

10 MR. NAFTALIN: Okay, that's fine.

11 JUDGE STEINBERG: You can't expect me to remember  
12 what I said.

13 So we are off the record.

14 (Discussion off the record.)

15 JUDGE STEINBERG: We are back on the record.

16 While we were off the record, I had a copy of the  
17 admissions session in my office, and I retrieved it, and the  
18 relevant pages on the transcript during which we discussed  
19 Turro Exhibit 5 were pages 117 through 120, and the exhibit  
20 was received. It was received for all purposes. And I  
21 believe that there are areas that are relevant to the issues  
22 here that Mr. Lynch is competent to testify about.

23 And so if you still want him for cross-  
24 examination, he's in the witness room. And if you don't  
25 want him, nobody is wanting him for cross --

1 (No response.)

2 JUDGE STEINBERG: Okay. why don't we get Mr.  
3 Lunch.

4 So let the record reflect there was no response  
5 before I said let's go get Mr. Lynch, so I am assuming no  
6 response.

7 MS. BAVENDER: I have a question. Did he ever  
8 answer no on he --

9 MR. NAFTALIN: He never answered.

10 JUDGE STEINBERG: I just said let's go get Mr.  
11 Lynch, and why wait around. Rather that he be here and we  
12 can tell him he's not needed any more rather than have to  
13 wait to get him.

14 (Pause.)

15 THE COURT REPORTER: We're still on the record?

16 JUDGE STEINBERG: You can go off the record.

17 (Whereupon, a recess was taken.)

18 JUDGE STEINBERG: We'll go on the record.

19 Welcome, Mr. Lynch. Raise your right hand.

20 Whereupon,

21 DAVID C. LYNCH

22 having been first duly sworn, was called as a witness herein  
23 and was examined and testified as follows:

24 JUDGE STEINBERG: Okay. please be seated. And in  
25 the book in front of you to tab No. 5, and you should see

1 smoothing familiar.

2 THE WITNESS: Um-hmm.

3 JUDGE STEINBERG: If you would state your name and  
4 address for the record.

5 THE WITNESS: David Charles Lynch. 115 West  
6 Quackenbush Street, Dumont, New Jersey.

7 JUDGE STEINBERG: And is Mr. Lynch available for  
8 cross-examination?

9 MR. NAFTALIN: Your Honor, Mr. Lynch is available  
10 for cross-examination on the contents of Turro Exhibit No.  
11 5.

12 JUDGE STEINBERG: Okay And who -- Ms. Friedman?

13 MS. FRIEDMAN: Yes.

14 CROSS-EXAMINATION

15 BY MS. FRIEDMAN:

16 Q Hi.

17 A Hi.

18 Q I am Ms. Friedman from the Mass Media Bureau of  
19 Federal Communications Commission, and I will be asking just  
20 a few questions this afternoon.

21 Would you turn to page 2 of your statement? Okay,  
22 the second paragraph, last sentence that starts, "To my  
23 knowledge."

24 A Um-hmm.

25 Q Does that knowledge -- it says there, "There has



1 never been a time," would that time begin after July of  
2 1995?

3 A After my employment, yes.

4 Q Okay. And, Mr. Owen, as to all the matters  
5 referred to --

6 MR. NAFTALIN: Mr. Lynch.

7 BY MS. FRIEDMAN:

8 Q Mr. Lynch, as to all matters referred to in your  
9 statement, it's your understanding that all the statements  
10 you make and the assertions you make all pertain to post-  
11 employment, after July 1995?

12 A Yes.

13 MS. FRIEDMAN: I have no further questions.

14 JUDGE STEINBERG: Mr. Helmick?

15 MR. HELMICK: No, questions, Your Honor.

16 JUDGE STEINBERG: Ms. Bavender?

17 Is this going to be like redirect? Actually, it's  
18 cross because he's not your witness.

19 MS. BAVENDER: Right.

20 JUDGE STEINBERG: Okay, and it's not a joint case.  
21 I just have to put it in the right category so you can lead  
22 like crazy.

23 MS. BAVENDER: Okay. Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. BAVENDER: